

Docket No.: 564462003900  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Kevin A. GRAY et al.

Application No.: 10/532,944

Confirmation No.: 2689

Filed: (Intl.) October 15, 2003

Art Unit: 1652

For: AMYLASES, NUCLEIC ACIDS ENCODING  
THEM AND METHODS FOR MAKING AND  
USING THEM

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Examiner:  
Ganapathiram Raghu, Ph.D.

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicant, a copy of which is attached hereto, has an error in the Domestic Priority Section, listing a priority claim to a provisional incorrectly; this error is noted below:

Please change the Domestic Priority to read as follows:

This application is a 371 of PCT/US03/33150 10/15/2003

which claims benefit of --priority to USSN-- 60/423,626 10/31/2002

"and is a CIP of 60/423,625 10/31/2002"

Applicant submits herewith a copy of an Excerpt of the First Preliminary Amendment (Exhibit A), filed on June 21, 2006 and a copy of the Application Data Sheet (Exhibit B) filed on April 26, 2006. Both documents accurately state the priority claim for the present application.

Applicant additionally requests that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

Dated: September 30, 2008

Respectfully submitted,

By /Gregory P . Einhorn/  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| APPL NO.   | FILING OR 371<br>(c) DATE | ART UNIT | FIL FEE REC'D | ATTY.DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|----------------|----------|----------|----------|
| 10/532,944 | 06/21/2006                | 1642     | 1390          | 564462003900   | 4        | 42       | 4        |

45975  
 DIVERSA C/O MOFO S.D.  
 12531 HIGH BLUFF DRIVE  
 SUITE 100  
 SAN DIEGO, CA 92130-2040

CONFIRMATION NO. 2689

## FILING RECEIPT



\*OC000000019659698\*

Date Mailed: 07/19/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Kevin A. Gray, San Diego, CANADA;  
 Nahla Aboushadi, Oceanside, CA;  
 James B. Garrett, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number 45975.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/33150 10/15/2003  
 which claims benefit of 60/423,626 10/31/2002 priority to USSN 60/423,626 10/31/2002  
 --and is a CIP of 60/423,626 10/31/2002--

## Foreign Applications

If Required, Foreign Filing License Granted: 07/18/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/532,944

Projected Publication Date: 10/26/2006

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Amylases, nucleic acids encoding them and methods for making and using them

**Preliminary Class**

435

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**COPY**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage via Express Mail, Airbill No.: EV 743 884 325 US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 21, 2006

Signature:   
(Judy Calem)

Docket No.: 564462003900  
D1530-9N  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kevin A. GRAY et al.

Application No.: 10/532,944

Confirmation No.: 2689

Int'l Filing Date: October 15, 2003

Art Unit: 1642

For: AMYLASES, NUCLEIC ACIDS ENCODING  
THEM AND METHODS FOR MAKING AND  
USING THEM

Examiner: Not Yet Assigned

MS-PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FIRST PRELIMINARY AMENDMENT**

Dear Sir:

Prior to examination on the merits, Applicant respectfully requests entry on this Preliminary Amendment for the above-captioned patent application.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 29 of this paper.

Amendment to the Specification:

**COPY**

Please amend the specification as follows.

Please add the following paragraph to page 1, line 3, after the title:

RELATED APPLICATIONS

This application is a national phase application claiming benefit of priority under 35 U.S.C. §371 to Patent Convention Treaty (PCT) International Application Serial No: PCT/US2003/033150, filed October 15, 2003 (published as WO 2004/042006, on May 21, 2004), which claims benefit of priority to U.S. Provisional Patent Application Serial No. (“USSN”) 60/423,626, filed October 31, 2002. The aforementioned applications are explicitly incorporated herein by reference in their entirety and for all purposes.

**COPY**

**Application Data Sheet**

**Application Information**

Application Type:: Regular  
Subject Matter:: Utility  
Suggested Group Art Unit:: Not Yet Assigned  
CD-ROM or CD-R?:: None  
Sequence submission?:: Yes  
Computer Readable Form (CRF)?:: No  
Title:: AMYLASES, NUCLEIC ACIDS ENCODING  
THEM AND METHODS FOR MAKING AND  
USING THEM  
Attorney Docket Number:: 564462003900  
Request for Early Publication?:: No  
Request for Non-Publication?:: No  
Total Drawing Sheets:: 4  
Small Entity?:: Yes  
Petition included?:: No  
Secrecy Order in Parent Appl.?:: No

**Applicant Information**

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: US  
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State or Province of mailing address:: CA  
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**COPY**

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**Correspondence Information**

Correspondence Customer Number:: 45975

**Representative Information**

Representative Customer Number:: 45975

**COPY**

**Domestic Priority Information**

| Application::         | Continuity Type::  | Parent Application::  | Parent Filing Date:: |
|-----------------------|--|-----------------------|----------------------|
| This Application      | National Stage of<br>50  | PCT/US2003/0331<br>50 | 10/15/03             |
| PCT/US2003/0331<br>50 | An application<br>claiming the benefit<br>under 35 USC<br>119(e) | 60/423,626            | 10/31/02             |

**Foreign Priority Information**

**Assignee Information**